

**REMARKS**

By the above actions, the specification and claims 1, 3, 7, 10 & 11 have been amended. In view of these actions and the following remarks, reconsideration of this application is now requested.

The sole outstanding issue is the Examiner's rejection of claims 1-3 and 10-12, i.e., all of the claims to the elected embodiment based on the disclosure of the published application of Herta et al. when viewed in combination with the patent to Baier, by itself or in further combination with the patent to Brocx. This rejection is inappropriate insofar as it might relate to the claims as now presented for the following reasons.

Firstly, it is noted that the Herta et al. publication, as reflected in the amendment to the specification above, is the prior art mentioned in paragraph [0002] of this application having the disadvantage noted in paragraph [0007] of the driver's bed or the rear wall of the cab having to be made technically complex because air is used as the heat transfer medium. This disadvantage is overcome, as noted in paragraph [0009] by the same heat transfer medium being transported by the heat source in order to directly heat the driver's bed or the interior wall of the vehicle and by the heat exchanger in the reservoir, in order especially to cool. In addition, the device of the present invention has the advantage that the driver's bed and/or the vehicle interior wall can also be heated out of the reservoir, specifically in the case in which the reservoir has to be charged beforehand with the thermal energy of the heat source by the heat exchanger. Still further, as can be seen from paragraphs [0042] through [0044] of the present application, the construction of the present invention enables over a dozen different operating modes to be produced using the same basic system.

The Herta et al. publication not only discloses, as already mentioned, a device which does not teach the use of a heating/cooling surface that is heated and cooled via a liquid heat exchange medium, but it is not capable of attaining all of the operating modes disclosed for the present invention. Even if a fan and heat exchanger unit of Herta et al. were replaced by plate heater as disclosed by Baier et al., it still would lack the capabilities and versatility of the present invention, and even if, as the Examiner contends based upon Brocx, the use of a parallel arrangement of a main heat exchanger and sleeper unit is a recognized equivalent, such would not, by itself, lead to the present invention as defined by amended claim 1. In this regard, it is relevant to note that, like the system of the Herta et al. reference, the systems

of Baier et al. and Brocx are solely heating systems so that they cannot suggest how to modify the heating and cooling system of Herta et al. so as to attain the configuration disclosed and claimed by the present applicants.

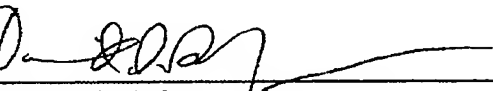
Since claim 1 has been amended to set for the liquid nature of the heat exchange medium and the manners in which flows in the system can be controlled to attain a variety of different operations, it is submitted that the subject matter of amended claim 1 cannot be considered to be rendered obvious by the reference cited by the Examiner, so that the outstanding rejection under § 103 should now be withdrawn and such action is hereby requested.

The prior art that has been cited, but not applied by the Examiner has been taken into consideration during formulation of this response. However, since this art was not considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon are believed to be warranted at this time.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,

By:

  
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